O. Shops and Estts/48

1948.

File No. P3F

Legal Department-

A BRANCH

Subject:—

Opinions under the Bombay Shops and Establishment Act, 1948.

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R.I.No. 1108 dated 2-9-48.

Submitted,

2. The Hon. Secretary of the Indian Banks Association has forwarded to Government an extract letter from a member Bank and requested Government to effect amendments in the Bombay Shops and Establishment Act, 1939 and the rules made thereunder. The extract letter goes to point out two cases wherein through mistakes or oversight of the clerks concerned the entries in the Muster Roll prescribed under rule 12(9) of the Rules made under the Bombay Shops and Establishment Rules 1940 about the hours of rest were wrongly made and the hours of work were shown more and the Manager of a certain Bank who for fear of losing more time in defending his case pleaded guilty to the charge and was fined by the trying Magistrate Rs. 10/- on the first occasion and Rs. 50/- on the second. The exact lines of amendments have not been suggested but from the fears which the Bank's Association entertains regarding the wrong entry in the register by an employee it appears that he wants either

(1) The Managers or Agents of Banks be relieved from observing the provisions of the Act or

(2) Oral evidence of the employee be permitted to override the written evidence of the prescribed registers when the breaches of law are apparent.

The Municipal Commissioner, Bombay who was consulted in the matter does not recommend either (1) or (2) above. Secretary, Labour Department in this case observes.

> " The Banks registers would be a piece of evidence and may be rebuted if incorrect. There is no provision in the Act which makes it conclusive proof. The Bank's fears are therefore ill founded. Before the Bank is addressed in this sense R.L.A., may see".

The papers are accordingly forwarded to the R.L.A. for advice.

S.C. 31/7

Office of the R.L.A

Bombay Chops and Establishments Act, 1939.

The Rules made thereunder . rules 12(7)

Whether entries in the Register are conclusive proof.

Seen and returned.

The view taken by Secretary. Labour Department is correct.

Sd/-P.B.Lad
2-12

Remembrancer of Legal Affairs.

U.R. to Labour Deptt. No. 11421 , dated the 3rd Dec 1948.

S.C. 31/7

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